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T.R.A. DOCKET ROOM

March 19, 2004

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Deborah Taylor Tate, Chairman  
Tennessee Regulatory Authority  
460 James Robertson Pkwy.  
Nashville, TN 37243-0505

*Via Hand Delivery*

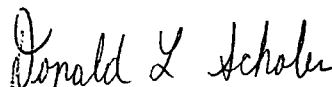
Re Petition of Tennessee Wastewater Systems, Inc To Amend Its Certificate of  
Convenience and Necessity  
Docket No 04-00045

Dear Chairman Tate

I have enclosed the original and fourteen copies of the Objection To Petition to Intervene of  
East Sevier County Utility District in this matter Please return the extra copy of the Objection to me  
stamped filed

This Petition to Intervene is on the Conference Agenda for Monday, March 22, 2004 Thank  
you for your assistance in this matter

Sincerely yours,



DONALD L. SCHOLES

Enclosures

c Charles Pickney, Jr  
Mark Jendrek  
Charles B. Welch, Jr

BKSJ File No 99-217

**IN THE TENNESSEE REGULATORY AUTHORITY  
NASHVILLE, TENNESSEE**

**IN RE:**

**PETITION OF TENNESSEE WASTEWATER  
SYSTEMS, INC. TO AMEND ITS  
CERTIFICATE OF CONVENIENCE  
AND NECESSITY**

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**Docket No. 04-00045**

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**OBJECTION TO PETITION TO INTERVENE OF  
EAST SEVIER COUNTY UTILITY DISTRICT**

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Comes now Tennessee Wastewater Systems, Inc. (the Company) and objects to the Petition to Intervene filed in this matter by East Sevier County Utility District (the District).

East Sevier County Utility District is a utility district created pursuant to T.C.A. § 7-82-101 *et seq.* A copy of the District's Order of Creation on file with the Tennessee Secretary of State's Office is attached to this Objection as Exhibit 1.<sup>1</sup> The District's boundaries do not include the geographic area within the scope of the Company's Petition in this matter.

In its Amendment to Petition of On-Site Systems Inc. to Amend its Certificate of Convenience and Necessity, the Company seeks to amend the description of the area for which a certificate is sought to include the urban growth boundary of Pigeon Forge, Tennessee. The District's boundaries do not include any area within the urban growth boundary of Pigeon Forge. Therefore, the District has no prior right to provide sewer service within the urban growth boundary of Pigeon Forge which are the subject of this Petition.

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<sup>1</sup> The certified copy of the District's Order of Creation on file with the Tennessee Secretary of State did not have Exhibit A attached to it which exhibit sets forth the territorial limits of the District

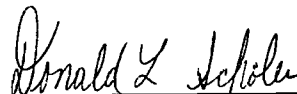
When a utility district desires to be the exclusive provider of utility service in a geographic area outside of its boundaries, the utility district may petition the county mayor which originally created the utility district to extend its boundaries in accordance with the provisions of T.C.A. § 7-82-202. East Sevier County Utility District has never filed a petition to extend its boundaries to serve within the urban growth boundary of Pigeon Forge.

Because the District has never sought to have the area within Pigeon Forge's urban growth boundary included within its boundaries, the District has no standing to intervene in this matter. While the District may have the power to provide service outside of its boundaries, the District should not be permitted to object to the grant of certificate to the Company by this Authority when the District has never sought to include such area within its own boundaries.

Therefore, the Company requests that the Petition to Intervene be denied.

Dated this 19th day of March, 2004.

Respectfully submitted,



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JANE B. STRANCH, # 6044  
DONALD L. SCHOLES, # 10102  
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(615) 254-8801 - Telephone  
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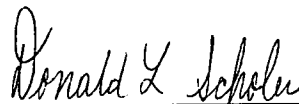
**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the above and foregoing has been served upon the following persons via facsimile and U.S. Mail, postage prepaid, with proper postage thereon:

Mark Jendrek, Esq.  
Mark Jendrek P.C.  
Post Office Box 549  
Knoxville, TN 37901

Charles B. Welch, Jr.  
Farris, Matthews, Branan, Bobango  
& Hellen, PLLC  
618 Church Street, Suite 300  
Nashville, TN 37219

This the 19<sup>th</sup> day of March, 2004.

  
\_\_\_\_\_  
DONALD L. SCHOLES

5375 10928

State of Tennessee



Department of State

I, JOE C. CARR, Secretary of State of the State of Tennessee, do hereby certify that the annexed is a true and correct copy of the Order extending the EAST SEVIER COUNTY UTILITY DISTRICT OF SEVIER COUNTY, TENNESSEE which was duly recorded in this office on 6th day of March, 1974 in Utility District Corporation Record Book Volume 1.

EXHIBIT

1

STATE OF TENNESSEE

COUNTY OF SEVIER

June \_\_\_\_\_, 1973

IN THE COUNTY COURT OF SEVIER COUNTY,  
TENNESSEE,

CORRECTED DECREE

IN RE: EAST SEVIER COUNTY UTILITY  
DISTRICT OF SEVIER COUNTY, TENNESSEE

This cause came on to be heard on this the 18th day of May, 1973, having been and continued from May 17, 1973, by the Court, before the Honorable Ray L. Reagan, County Judge of Sevier County, Tennessee, upon the petition hereinabove filed in connection with the incorporation of a utility district under the provisions of 1937 Public Acts of Tennessee, as amended, known as "The Utility District Act of 1937" as amended and set forth in Tennessee Code Annotated Sections 6-2601--6-2636. Upon evidence duly given it is found, ordered, adjudged and decreed by this Court as follows:

1. That the petition filed on April 27, 1973, with this Court requesting the incorporation of a utility district to be designated as "The East Sevier County Utility District of Sevier County, Tennessee", conforms to all of the requirements of the Utility District Act of 1937, as amended, and set forth in Tennessee Code Annotated Section 6-2601--6-2636, both as to form and content and is signed by the requisite number of the owners of real property who reside within the boundaries of said proposed district, and that the sworn statement by the person who circulated said petition accompanying same conforms to all of the requirements of said law; and

2. That notice of the time, place and purpose of this public hearing upon the convenience and necessity of the incorporation of said district has been given in conformity with the Utility District Act of 1937, as amended, as set forth in Tennessee Code Annotated Sections 6-2601--6-2636, by publication of a notice not more than fifteen days nor less than seven days prior to the date of said hearing, such notice having been published on May 3 and May 10, 1973, in the Sevier County News Record, a newspaper of general circulation in the proposed district, and

3. That a hearing has been held by this Court pursuant to the notice hereinbefore mentioned, and from the evidence presented this Court finds:

(a) That the public conveniences and necessity requires the creation of East Sevier County Utility District of Sevier County, Tennessee; and

(b) That the creation of said district is economically sound and desirable; and

4. That the prayer in said petition shall be and is granted and the creation of the East Sevier County Utility District of Sevier County, Tennessee, with all rights granted in Tennessee Code Annotated Sections 6-2601--6-2636, is hereby approved and consummated, and the territorial limits of said district so created shall be in accordance with Exhibit "A" hereto attached.

5. That the persons nominated in said petition for Commissioners of said proposed utility district, namely; Robert B. Smith, III, Clint Huff and Jim Bush are hereby appointed as Commissioners for said utility district with terms of office beginning on the date of the entry of this decree and extending as follows:

Robert B. Smith, III - for a term of four years from and after his appointment,

Clint Huff - for a term of three years from and after his  
appointment, and

Jim Bush - for a term of two years from and after his  
appointment, and

6. That a certified copy of this Order and Corrected  
Decree shall be filed with the Clerk of this Court as provided by  
law; and

7. That all of the cost incident to this cause shall be  
borne by the persons filing said petition for which execution may  
issue.

ENTERED, this the 7 day of June, 1973.

*Ray L. Reagan*  
Ray L. Reagan, County Judge  
Sevier County, Tennessee

*John B. Bivins*

STATE OF TENNESSEE  
COUNTY OF SEVIER

I, Paul Atchley Clerk of the County Court of said County, do  
hereby certify that the foregoing is a True & Perfect copy of the  
corrected decree. In Re: East Sevier County Utility  
district of Sevier County, Tennessee

as the same appears of record in my office.  
Witness my hand and Official Seal in Sevierville, this 15th day of  
June 19 73

*Paul Atchley* Clerk